सर्वोच्च प्राथमिकता/ मा0 उच्चतम न्यायालय के आदेश

संख्या– 1647 /नौ–9–2013–161ज/12

प्रेषक,

जावेद उस्मानी,
मुख्य सचिव,
उत्तर प्रदेश शासन।

सेवा में,

1. समस्त जिलाधिकारी,
उत्तर प्रदेश।

2. निदेशक,
स्थानीय निकाय, उ0प्र0,
लखनऊ।

3. समस्त नगर आयुक्त,
नगर निगम,
उत्तर प्रदेश ।

नगर विकास अनुभाग–9 लखनऊ : दिनांकः 25 नवम्बर, 2013

विषय– सिविल अपील संख्या 4156–4157/2002 महाराष्ट्र एकता हाकर्स व अन्य बनाम म्यूनिसिपल कारपोरेशन व अन्य में पारित मा0 उच्चतम न्यायालय के आदेश दिनांक 09.09.2013 के अनुपालन के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक मुझे यह कहने का निदेश हुआ है कि भारत सरकार की फेरी नीति–2004 के क्रम में अधिसूचना संख्या 2842/नौ–9–2007 दिनांक 04 अगस्त, 2007 द्वारा उ0प्र0 नगरीय फेरी तथा सड़क पटरियों पर कारबार (विनियमन एवं प्रबन्धन) नियमावली–2007 प्रख्यापित की गई है। उ0प्र0 नगर पालिका परिषद अधिनियम, 1916 की व्यवस्था के अनुरूप उपविधि बनाकर उक्त नियमावली के प्राविधानों को प्रदेश की समस्त नगर पालिका परिषदों/नगर पंचायतों में प्रभावी करने हेतु शासन के पत्र संख्या 2844 /नौ –9– 07–170 ज/2006 दिनांक 04 अगस्त, 2007 द्वारा दिशा–निर्देश जारी किये गये हैं।

2. सिविल अपील संख्या 4156–4157/2002 महाराष्ट्र एकता हाकर्स व अन्य बनाम म्यूनिसिपल कारपोरेशन व अन्य में मा0 उच्चतम न्यायालय द्वारा स्ट्रीट वेण्डर्स/हाकर्स के सम्बन्ध में दिनांक 09.09.2013 को आदेश पारित किये गये

हैं, जिसका प्रभावी अंश निम्नवत है:–

For facilitating implementation of the 2009 Policy, we issue the following directions:

(i) The Town Vending Committee is constituted at city/town level in accordance with the provisions contained in the 2009 Policy. For the cities and towns having large municipal areas, more than one Town Vending Committee may be constituted.

(ii) Each Town Vending Committee shall consist of representatives of various organization and street vendors/ hawkers. 30% of the representatives from the category of street vendors/hawkers shall be women.

(iii) The representatives of various organization and street vendors/hawkers shall be chosen by the Town Vending committee by adopting a fair and transparent mechanism .

(iv) The task of constituting the Town Vending committee shall be complete within two months of issue of instruction.

(v) The Town Vending committee shall function strictly in accordance with the 2009 Policy and the decisions taken by it shall be notified in the print and electronic media within next one week.

(vi) The Town Vending committees shall be free to divide the municipal areas in vending/hawking zones and sub-zones and for this purpose they may take assistance of experts in the field. While undertaking this exercise, the Town Vending Committees constituted for the cities of Delhi and Mumbai shall take into consideration the work already undertaken by the municipal authorities in furtherance of the directons given by this Court. The municipal authorities shall also take action in terms of Paragraph 4.2(b) and (c).

(vii) All street vendors/hawkers shall be registered in accordance with paragraph 4.5.4 of the 2009 Policy. Once registered, the street vendor/hawker, shall be entitled to operate in the area specified by the Town Vending Committee.

(viii) The process of registration must be completed by the municipal authorities across the country within four months of the receipt of the direction by the Chief Secretaries of the States and Administrators of the Union Territories.

(ix) The State Governments/Administration of the Union Territories and municipal and local authorities shall take all the steps necessary for achieving the objectives set out in the 2009 Policy.

(x) The Town Vending Committee shall meet every month and ensure implementation of the relevant provisions of the 2009 Policy and, in particular, paragraph 4.5.1 (b) and (c).

(xi) Physically challenged who were allowed to operate PCO's in terms of the judgment reported in (2009) 17SCC 231 shall be allowed to continue to run their stalls and sell other goods because running of PCOs. is no longer viable. Those who were allowed to run Aarey/Sarita shall be allowed to continue to operate their stalls.

(xii) The State Governments, the Administration of the Union Territories and municipal authorities shall be free to amend the legislative provisions and/or delegated legislation to bring them in tune with the 2009 Policy. If there remains any conflict between the 2009 Policy and the municipal laws, insofar as they relate to street vendors/hawkers, then the 2009 Policy shall prevail.

(xiii) Henceforth, the parties shall be free to approach the jurisdictional High Courts for redressal of their grievance and the direction, if any, given by this Court in the earlier judgments/orders shall not impede disposal of the cases which may be filed by the aggrieved parties.

(xiv) All the existing street vendors/hawkers operating across the country shall be allowed to operate till the exercise of registration and creation of vending/hawking zones is completed in terms of the 2009 Policy. Once that exercise is completed, they shall be entitled to operate only in accordance with the orders/ directions of the concerned Town Vending Committee.

(xv) The provisions of the 2009 Policy and the directions contained hereinabove shall apply to all the municipal areas in the country.

3. कृपया मा0 उच्चतम न्यायालय द्वारा पारित निर्णय दिनांक 09 सितम्बर, 2013 में दिये गये दिशा–निर्देशों का कड़ाई से अनुपालन सुनिश्चित कराते हुये कृत कार्यवाही से शासन को एक पक्ष में अवगत कराने का कष्ट करें।

संलग्नकःयथोक्त।

भवदीय,

(जावेद उस्मानी)
मुख्य सचिव।

संख्या– 1647(1)/नौ–9–2013 एवं तद्दिनांक।

प्रतिलिपि निम्नलिखित को उपर्युक्तानुसार कार्यवाही हेतु प्रेषित –

1– अधिशासी अधिकारी, समस्त नगर पालिका परिषद/नगर पंचायत,उ0प्र0 (द्वारा निदेशक, स्थानीय निकाय,उ0प्र0, लखनऊ)
2– वेब मास्टर को विभाग की वेबसाइट पर अपलोड करने हेतु/गार्ड फाइल।

आज्ञा से,

2/11/2013

(श्रीप्रकाश सिंह)
विशेष सचिव।